

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

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1977

PUBLIC LAWS
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- (1) Request a hearing regarding the identification, evaluation and educational placement of the child;
- (2) Appeal the decision of the hearing to the local school board or school committee and the State Board of Education; and
- (3) Appeal the decision of the State Board of Education to a state court of competent jurisdiction or to a United States District Court.

C. Criteria for selection and qualifications of pupil evaluation team members. The interested parent, surrogate parent or guardian has the right to be a member of the team and the administrative unit shall give notice by certified mail of his or her right to be a member of the team and a copy of the notice shall be placed in the student's permanent file.

Effective October 24, 1977

CHAPTER 326

AN ACT Concerning Warrantless Arrests by a Law Officer.

Be it enacted by the People of the State of Maine, as follows:

17-A MRSA § 15, sub-§ 1, as enacted by PL 1975, c. 740, § 22, is repealed and the following enacted in its place:

1. Except as otherwise specifically provided, a law enforcement officer shall have the authority to arrest without a warrant:

A. Any person who he has probable cause to believe has committed or is committing:

- (1) Criminal homicide in the first degree or criminal homicide in the 2nd degree;
- (2) Any Class A, Class B or Class C crime;
- (3) Assault, if the officer reasonably believes that the person may cause injury to others unless immediately arrested;
- (4) Theft as defined in section 357, when the value of the services is \$1,000 or less, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;
- (5) Forgery, if the officer reasonably believes that the person will not be apprehended unless immediately arrested; or
- (6) Negotiating a worthless instrument, if the officer reasonably believes that the person will not be apprehended unless immediately arrested; and

B. Any person who has committed in his presence or is committing in his presence a Class D or Class E crime other than those described in paragraph A, subparagraphs 3 through 6.

A law enforcement officer may, without fee, take the personal recognizance of any person for his appearance on a charge of a Class D or Class E crime.

Effective October 24, 1977

CHAPTER 327

AN ACT to Amend the Land Use Regulation Commission Statutes.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 12 MRSA § 685-A, sub-§ 8, 3rd ¶, ¶ A, as repealed and replaced by PL 1973, c. 788, § 43-B, is repealed and the following enacted in its place:

A. The change would be consistent with the standards for district boundaries in effect at the time; the comprehensive land use plan; and the purpose, intent and provisions of this chapter; and

Sec. 1-A. 12 MRSA § 685-A, sub-§ 8, 3rd ¶, ¶ B, is enacted to read:

B. The change in districting will satisfy demonstrated need in the community or area and will have no undue adverse impact on existing uses or resources or a new district designation is more appropriate for the protection and management of existing uses and resources within the affected area.

Sec. 2. 12 MRSA § 685-A, sub-§ 8, as repealed and replaced by PL 1973, c. 788, § 43-B, is amended by adding at the end the following new paragraph:

Amendments to land use standards so adopted shall be effective immediately but shall be submitted to the next regular or special session of the Legislature for approval or modification. If the Legislature fails to act, such standards shall continue in full force and effect.

Effective October 24, 1977

CHAPTER 328

AN ACT Relating to Purse Seining and Stop Seining.